

ESTTA Tracking number: **ESTTA762244**

Filing date: **08/03/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Diversey, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	8215 Forest Point Boulevard Charlotte, NC 28273 UNITED STATES		

Attorney information	Stephen P. Demm Hunton & Williams LLP 951 East Byrd Street Richmond, VA 23219-4074 UNITED STATES HWRITM@hunton.com, sdemm@hunton.com, mnigriny@hunton.com Phone:(804) 788-8331
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### Registration Subject to Cancellation

Registration No	4150402	Registration date	05/29/2012
Registrant	SAFEGEL GROUP, LLC 6160 N.W. 74 Avenue Miami, FL 33166 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 005. First Use: 2009/12/00 First Use In Commerce: 2009/12/00  
All goods and services in the class are cancelled, namely: All purpose disinfectants; Disinfecting-handwash; Hand-sanitizing preparations; Sanitizing preparations for hospital use; Sanitizing preparations for household use; Sanitizing preparations for use in institutional and industrial areas

### Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	86830785#TMSN.png( bytes ) Petition to Cancel.pdf(205896 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen P. Demm/
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Name	Stephen P. Demm
Date	08/03/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,150,402

For the Mark: ECOPURE

**REGISTERED ON THE PRINCIPAL REGISTER ON MAY 29, 2012**

Diversey, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. _____
	)	
Safegel Group, LLC,	)	
	)	
Registrant.	)	
	)	

**PETITION TO CANCEL**

Petitioner Diversey, Inc. (“Petitioner”) believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same. As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is a Delaware corporation with an address at 8215 Forest Point Boulevard, Charlotte, North Carolina 28273.
2. Upon information and belief, Registrant Safegel Group, LLC (“Registrant”) is or was a Florida limited liability company with an address at 6160 N.W. 74 Avenue, Miami, Florida 33166.

**Petitioner’s PUR-ECO Application**

3. Petitioner has filed federal trademark application Serial No. 86/830,785 to register its PUR-ECO trademark for “cleaning agents for cleaning surfaces; cleaning preparations for cleaning surfaces; floor cleaning preparations; glass cleaners,” in Class 003, and for “disinfectant bathroom cleaners,” in Class 005.

4. Petitioner filed its PUR-ECO application on November 24, 2015, based on Section 1(b) of the Lanham Act. 15 U.S.C. § 1051(b).

5. Petitioner had and has a bona fide intent to use its PUR-ECO mark with the goods identified in its application.

#### **Registrant's Cited ECOPURE Registration**

6. A Patent and Trademark Office Examining Attorney has initially refused to register Petitioner's applied-for PUR-ECO based on an alleged likelihood of confusion with the ECOPURE mark identified in Registration No. 4,150,402 for "all-purpose disinfectants; disinfecting handwash; hand-sanitizing preparations; sanitizing preparations for hospital use; sanitizing preparations for household use; sanitizing preparations for use in institutional and industrial areas," in Class 005, for which the record owner is Registrant.

7. Without conceding the correctness of the Examining Attorney's allegation of a likelihood of confusion, because of that allegation, Registrant's cited ECOPURE registration will cause injury to Petitioner and Petitioner's rights in its PUR-ECO mark.

8. Registrant is the record owner of the ECOPURE registration cited against Petitioner's application to register its PUR-ECO mark.

9. Registrant obtained the cited ECOPURE registration on May 29, 2012, and that registration is subsisting.

#### **Registrant's Abandonment of the ECOPURE Mark**

10. Based on records obtained from the Florida Department of State's Division of Corporations, Registrant was formed as a Florida limited liability company in May 2006. *See Exhibit A* (printout from the Florida Department of State, Division of Corporations).



## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing PETITION TO CANCEL and exhibit thereto have been properly served upon Registrant, and the attorney of record for Registrant, via U.S. first class mail, postage prepaid, on this 3<sup>rd</sup> day of August, 2016, as follows:

Safegel Group, LLC  
6160 N.W. 74 Avenue  
Miami, Florida 33166

Matthew H. Swyers, Esq.  
The Trademark Company  
344 Maple Avenue West, Suite 151  
Vienna, Virginia 22180

/s/ Stephen P. Demm

# EXHIBIT A

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**

## Detail by Entity Name

### Florida Limited Liability Company

SAFEGEL GROUP, LLC

### Filing Information

<b>Document Number</b>	L06000053855
<b>FEI/EIN Number</b>	20-4936735
<b>Date Filed</b>	05/25/2006
<b>State</b>	FL
<b>Status</b>	INACTIVE
<b>Last Event</b>	LC VOLUNTARY DISSOLUTION
<b>Event Date Filed</b>	03/10/2016
<b>Event Effective Date</b>	NONE

### Principal Address

1101 BRICKELL AVENUE  
8th FLOOR SOUTH TOWER  
MIAMI, FL 33131

Changed: 04/29/2013

### Mailing Address

1101 BRICKELL AVENUE  
8 th FLOOR SOUTH TOWER  
MIAMI, FL 33131

Changed: 04/29/2013

### Registered Agent Name & Address

KORT-KAMP, MANOEL  
1101 BRICKELL AVENUE  
8 th FLOOR SOUTH TOWER  
MIAMI, FL 33131

Name Changed: 05/08/2007

Address Changed: 04/29/2013

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR



KORT-KAMP, MANOEL  
1101 BRICKELL AVENUE  
8th FLOOR SOUTH TOWER  
MIAMI, FL 33131

### Annual Reports

Report Year	Filed Date
2013	04/29/2013
2014	04/29/2014
2015	06/15/2015

### Document Images

<a href="#">03/10/2016 -- LC Voluntary Dissolution</a>	<a href="#">View image in PDF format</a>
<a href="#">06/15/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/29/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">08/30/2012 -- LC Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">04/23/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/26/2011 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">11/29/2010 -- LC Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">04/30/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/28/2009 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">12/15/2008 -- LC Amendment and Name Change</a>	<a href="#">View image in PDF format</a>
<a href="#">04/28/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/08/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/25/2006 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>